

ANDREW B. RITTER.

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JUNE 18, 1910.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. BRADLEY, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 16560.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 16560) correcting the army record of Andrew B. Ritter, having considered the same, report thereon with a recommendation that it be amended as follows:

Amend the title of the bill to read: "A bill for the relief of Andrew B. Ritter."

As thus amended the committee recommend that the bill do pass.

This soldier had three years and nine months' faithful service, and your committee believe he should have a pensionable status.

His military record is hereto attached and made a part hereof.

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*Case of Andrew B. Ritter, late member of Company C, Forty-ninth Indiana Volunteer Infantry.*

It is shown by the records that Andrew B. Ritter was enrolled November 19, 1861, and was mustered into service November 21, 1861, as a private of Company C, Forty-ninth Indiana Infantry Volunteers, to serve three years, and that he was honorably discharged the service as of this organization November 22, 1862, by reason of his enlistment in Battery L, Second U. S. Artillery. He enlisted in the latter organization November 23, 1862, to serve during the unexpired term of his enlistment in the volunteer service. He reenlisted February 23, 1864, in the same battery for another term of three years, and deserted August 8, 1865. He did not return to his command, nor report his whereabouts or the cause of his absence to the military authorities, although he owed service until February 23, 1867.

Applying to this department for removal of the charge of desertion and for an honorable discharge as of Battery L, Second U. S. Artillery, Ritter testified September 29, 1888, as follows:

"That he is the identical Andrew B. Ritter who enlisted November 21, 1861, in Company C of the Forty-ninth Indiana Volunteers, and served therein until November 21, 1862; that this date his regiment arrived at Cincinnati, Ohio, on board a boat, and his said company being then more than full and not being able for infantry duty I left without leave, but with no intention whatever of deserting, and in a short time enlisted in Companies B and L of the Second U. S. Artillery and served therein till

discharged in the fall of 1865; that his said discharge was destroyed by fire; that he makes this application for the purpose of having the charges of desertion removed from his record in said first service and for all other proper relief."

He again testified December 14, 1888, declaring as follows:

"That he is the identical Andrew B. Ritter who enlisted in Company C, Forty-ninth Indiana Volunteers, on the 21st of November, 1861, at Bedford, Ind., and on November 22, 1862, reenlisted in Battery L, Second U. S. Artillery, at Cincinnati, Ohio.

"That he served faithfully and honorably therein until August 8, 1865, at which time he was at Fort McHenry, Md., where he received a letter informing him that his mother was fatally sick at Bedford, Ind., and that if he desired to see her he must return home at once; that he tried to get a furlough, but could not do so—was informed that inasmuch as the war was ended he would be discharged in a short time anyway, when he could go home; that he waited a few days, when he received another appeal from his mother begging him to come at once, as she wanted to see him once more before she died; that he tried again to get a furlough, but was told to wait a few days; that he then reread the letter from his mother, when his love of and great desire to see his mother overcame his love of country, which he felt was not longer in need of his services, which he had already given nearly four years of his services, and thus left to see his mother without any thought of the great wrong he was doing, but in leaving fully intended to return, yet when he got home he found his mother so bad that she was expected to die at any time. She lingered nearly three months before she died. That he had during his service faced shot and shell amid the cries of the wounded and dying, bravely and without fear, but could not work himself up to that state of mind that he could leave the dying bed of a loving mother, the only dear person to him on earth, his father having died when a small boy; that he therefore asks that the charge of desertion be removed and that he be granted an honorable discharge; that in asking this he feels that his Government did not lose anything in his going home, inasmuch as at that time there were no armed foes against her peace."

In an affidavit executed August 25, 1891, he further deposed as follows:

"That he is the identical Andrew B. Ritter who enlisted in Company C, Forty-ninth Indiana Volunteers, October 1, 1861; that he served faithfully until on or about the 21st day of November, 1862, when, without any intention of deserting, he left the regiment under the following circumstances:

"Being unable to stand the fatigue of infantry, he desired to reenlist either in the cavalry or artillery service; so on arriving at Cincinnati, Ohio, about November 21, 1862, he reenlisted in Battery L, Second Artillery, and served faithfully therein until August, 1865, when without any intention whatever of deserting his regiment he left for home to see his mother, who was on her deathbed. That he served his country faithfully from October 1, 1861, to August, 1865. That he received a paper at his reenlistment, which he remembers stated on the back the different battles he had been in, which he always supposed was a discharge from the Forty-ninth Regiment Indiana Volunteers. That such reenlistment was not for the purpose of securing bounty and other gratuity that he would not have been entitled to had he remained under the original term of his enlistment. That, referring to the statement in the official letter of the Assistant Adjutant-General bearing date December 29, 1888, that he had served in Battery L, Second Artillery, until discharged in the fall of 1865, and that the discharge was lost, and that on December 14, 1888, he stated that he left the service without permission and did not receive a discharge, would state such statement is erroneous, and must have been made by the scrivener who wrote my said statements and was caused no doubt from the fact that I always supposed that I was duly and properly transferred from the Forty-ninth Indiana Volunteers to the Second Artillery. That he has always known that he had no discharge from said Second Artillery, and can not otherwise account for his misstatements."

Again testifying, he declared September 21, 1898, as follows:

"That he is the identical Andrew B. Ritter who was a member of Company L, of the Second Regiment of U. S. Artillery. He further declares that he served faithfully until about the 8th day of August, 1865, when, without any intention of deserting, he left the regiment under the following circumstances:

"He contracted the chronic diarrhea, rheumatism, and diseased eyes while he was in the United States service, and his health became very poor by reason of his afflictions and as the war had been over several months and his enlistment was for three years, and his service was nearly ended. When we were stationed near Fort McHenry I became so sick, as stated, from my afflictions, that I could stand it no longer. The soldiers did not even drill, and we were all waiting to be discharged. As the war was over and had been for some time my services were not needed any longer for the war. Being so sick and desiring to get well of my afflictions I left for home without any intentions of having any charge of desertion placed against my record. Nearly all the members of my company knew of my afflictions and I bid them all good-by with

no thoughts of desertion at all. I came home afflicted as stated, and have had the same afflictions ever since."

Once more testifying, he declared April 7, 1903, as follows:

"That he served faithfully until on or about the — day of September, 1865, when, without any intention of deserting, he left the regiment under the following circumstances: The war was over and I came home intending to stay a short time and return. But I was nearly blind and waited at home for them to notify me to return for final discharge; and I was not notified and never received discharge."

He further testified April 27, 1907, as follows:

"That he enlisted in Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and was duly mustered into said company November 21, 1861, and served therein until November 1, 1862, when he was honorably discharged therefrom.

"That he immediately reenlisted in Battery L, Second U. S. Volunteer Artillery, and served faithfully therein until after the surrender of Gen. R. E. Lee, when some time in June he was granted leave of absence to visit his sick mother at home.

"That affiant had been suffering from sore eyes occasioned by powder burn contracted at the destruction of the arsenal at Cumberland Gap. That soon after he returned home his eyes grew worse and continued bad, so much so that he did not return to his battery to be mustered out, and was never formally discharged from the said last-named service, and never received a discharge certificate therefrom."

The application for removal of the charge of desertion and for an honorable discharge in the case of this soldier as of Battery L, Second U. S. Artillery, has been repeatedly denied, and now stands denied, on the ground that he did not complete his term of reenlistment and that it has not been established that he was prevented from completing it by reason of disability incurred in the line of duty, and because the case does not come within any of the other provisions of the act of Congress approved March 2, 1889, which is the only law in force governing the subject of removal of charges of desertion.

It will be seen from the foregoing statement that this soldier has been honorably discharged the service as of the Forty-ninth Indiana Infantry Volunteers, and that therefore there is no necessity for the enactment of the proposed legislation as of that organization.

Respectfully submitted.

F C. AINSWORTH,  
*The Adjutant-General.*

WAR DEPARTMENT,  
THE ADJUTANT-GENERAL'S OFFICE,  
*April 1, 1910.*  
The SECRETARY OF WAR.

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